

FSIS DIRECTIVE

7236.2

Rev. 1

7-8-94

NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS

I. PURPOSE

This directive provides guidelines for enforcing the nutrition labeling regulations contained in Part 317, Subpart B and Part 381, Subpart Y of the MPI Regulations.

II. CANCELLATION

FSIS Directive 7236.2, dated 6/18/93.

III. REASONS FOR REISSUANCE

This directive has been renamed and rewritten in its entirety to provide more current and explicit guidance to facilitate implementation and enforcement of the nutrition labeling regulations.

IV. REFERENCES

MPI Regulations, Parts 317, 320, and 381

V. ABBREVIATIONS

The following will appear in their abbreviated form in this directive.

FLD, RP	Food Labeling Division, Regulatory Programs
IIC	Inspector in Charge
MPI	Meat and Poultry Inspection
NLV	Nutrition Labeling Verification
PAD, RP	Product Assessment Division, Regulatory Programs
PQC	Partial Quality Control

DISTRIBUTION: Inspection Offices; T/A Inspectors;
Plant Mgt; T/A Plant Mgt; TRA; ABB; PRD; Import Offices

OPI: RP/PAD

VI. POLICY

A. On January 6, 1993, FSIS amended Parts 317, 320, and 381 of the MPI Regulations to permit voluntary nutrition labeling on single-ingredient, raw meat and poultry products and to establish mandatory nutrition labeling for all other products, with certain exceptions. The regulations (Part 317, Subpart B and Part 381, Subpart Y) also eliminate the PQC programs and NLV procedures for nutrient related information on product labeling. FSIS Directive, 7220.1, Rev. 2, Amend. 13, Policy Memoranda, dated 1/27/93, revised the affected Policy Memoranda to reflect these changes. The final rule titled "Nutrition Labeling of Meat and Poultry Products," is effective on July 6, 1994. However, FSIS will not take enforcement action on such meat and poultry product labeling until August 8, 1994.

B. FSIS compliance procedures for nutrition labeling involve collecting samples either at the establishment or at the wholesale/retail level. Routine product sampling and record evaluations will be directed from FSIS Washington Headquarters. When Agency sample results indicate that an establishment's nutrition labeling is not in compliance, Regulatory Programs will contact the establishment. The establishment will be given a reasonable opportunity to locate the source of the discrepancy and to correct the problem, for example, by changing the label values or adjusting ingredient levels. Compliance provisions are contained in sections 317.309 and 381.409 of the MPI Regulations.

C. The nutrition labeling regulations are a major rule and substantially affect the manner in which most meat and poultry products are labeled. FSIS Notice 4-93, Mandatory Nutrition Labeling, dated 2/9/93, provided Agency personnel and industry with interim label approval procedures and information for implementing the nutrition labeling regulations. FSIS Directive 7236.2, Monitoring Mandatory Nutrition Labeling, dated 6/18/93, provided guidance to inspectors for monitoring product labels or other labeling containing nutrition information. This revision of FSIS Directive 7236.2 provides additional guidance for Agency personnel and industry regarding nutrition labeling requirements.

VII. ESTABLISHMENT RESPONSIBILITY

A. Establishments are responsible for assuring the validity of nutrient declarations on product labels or other labeling in accordance with the nutrition labeling regulations. FSIS Directive 7260.1, Questions and Answers – Nutrition Labeling of Meat and Poultry Products, dated 7/29/93, and subsequent amendments, provide additional information to assist manufacturers of meat and poultry products in meeting the requirements of the regulations. The directive will be updated periodically to include new questions and answers of common interest which develop.

B. Establishments must make their own determination of whether their product(s) is exempt from nutrition labeling requirements. Plant management must identify products that are exempt to FSIS inspection personnel.

C. Establishments must maintain records that support declared nutrient values and exemption status.

VIII INSPECTOR RESPONSIBILITIES

A. FSIS inspectors assigned to establishments under mandatory nutrition labeling or voluntarily participating in the nutrition labeling program shall observe labeling practices pertaining to nutrient declarations, as well as general labeling requirements. Nutrient declarations will not affect other labeling decisions that IICs are required to make.

B. Beginning August 8, 1994, **most processed products** must be labeled in accordance with the nutrition labeling regulations. Unless products are exempt or otherwise excluded, they must bear nutrition information panels entitled "Nutrition Facts." Inspectors should observe labeling operations to determine whether "Nutrition Facts" panels are being affixed to products. If products are being labeled with panels entitled "Nutrition Facts," no further action is required.

C. If product, other than single-ingredient, raw product, is observed being labeled without a "Nutrition Facts" panel, FSIS inspectors may contact plant management to determine the reason, but should not take official control action while investigating.

1. Inspectors should not retain the product if the establishment has determined that the product is exempt from nutrition labeling requirements (e.g., products intended for further processing) or the product is otherwise excluded from the requirement to bear a "Nutrition Facts" panel.

2. Inspectors should retain the product if the plant has not determined that the product is exempt from nutrition labeling requirements nor is it otherwise excluded from the requirement to bear a "Nutrition Facts" panel (see IX below). Inspectors should immediately contact FLD, RP, through channels, for instructions.

D. FSIS inspectors should not submit samples of products for laboratory analysis to verify nutrient declarations unless requested to do so or when prior permission has been obtained, through channels, from PAD, RP. If during compliance inquiry, verification samples are required to validate the establishments' sampling procedures and/or data base values, assigned inspection personnel may be instructed to randomly select samples in accordance with FSIS Directive 7355.1, Rev. 1.

E. Inspectors shall continue to verify that labels, including labels with nutrition information, are approved and used as approved under Performance Based Inspection System (PBIS), Inspection System Guide (ISG) task code 07B01a2. Product formulation should be monitored using the appropriate ISG Process 06, Product Handling and Preparation, task(s).

1. When questions pertaining to “Nutrition Facts” formats, exemptions, or reformulation or modification of processing procedures that may affect nutrient declarations on the label are identified by the IIC, he/she should discuss them with their supervisor. Unless there are potential adverse health consequences, supervisors should determine, through appropriate channels, what regulatory actions should be taken based on this information.

2. When supervisors determine that formulation variances may lead to potential adverse health consequences, inspectors shall take all required regulatory action. Supervisors should immediately contact FLD, through appropriate channels, for technical assistance.

IX. ALTERNATE MEANS OF PROVIDING NUTRITION INFORMATION

A. In specific instances, the nutrition labeling regulations allow alternatives to a “Nutrition Facts” panel on the product label.

B. Products may be considered as labeled properly, even if no “Nutrition Facts” panel is affixed, under the following circumstances:

1. When a product is in a package that has a very small surface area available to bear labeling, the regulations permit approval of the label with an address or telephone number on the package for consumers to write or call for nutrition information in lieu of a “Nutrition Facts” panel.

2. When a nutrition claim is made (e.g., “low fat”) or nutrition information is provided (e.g., “200 calories”) on the labeling of a product destined for food service (which would be exempt as a “product not for direct sale to consumers” without the nutrition claim or information), nutrition information may be printed on an informational insert to be packed with the product in lieu of a “Nutrition Facts” panel.

3. When the product is a gift pack, which does not make nutrition claims on the gift pack label, nutrition information may be shown at a location other than on the gift pack principal display panel or on the information panel (e.g., on an attached tag).

X. FURTHER GUIDANCE

Unresolved questions should be directed through normal supervisory channels to FLD.

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